

By the Committee on Environmental Preservation and Conservation;  
and Senator Hays

592-03472-13

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1                                   A bill to be entitled  
2           An act relating to state-owned or state-leased space;  
3           amending s. 216.0152, F.S.; revising provisions  
4           relating to the update of an inventory of certain  
5           facilities needing repairs or innovation maintained by  
6           the Department of Management Services; revising  
7           provisions relating to a report detailing an inventory  
8           of state-owned facilities; requiring specified  
9           entities to submit an inventory of underused property;  
10          requiring the department to adopt rules; amending s.  
11          216.043, F.S.; requiring state agencies to explain why  
12          available underused property is not sufficient to meet  
13          their needs when requesting fixed capital outlay  
14          projects; amending s. 253.031, F.S.; clarifying that  
15          deeds may be signed by agents of the Board of Trustees  
16          of the Internal Improvement Trust Fund; amending s.  
17          253.034, F.S.; revising provisions relating to  
18          decisions by the board to surplus lands; revising the  
19          valuation of lands that are subject to certain  
20          requirements; requiring state entities to submit a  
21          business plan if a building or parcel is offered for  
22          use to the entity; amending s. 255.248, F.S.; defining  
23          the terms "managing agency" and "tenant broker";  
24          amending s. 255.249, F.S.; revising the  
25          responsibilities of the Department of Management  
26          Services with respect to state-owned buildings;  
27          prohibiting a state agency from leasing space in a  
28          private building under certain circumstances;  
29          requiring an agency to notify the department of an

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30 early termination of a lease within a certain  
31 timeframe; authorizing the department to direct state  
32 agencies to occupy space in a state-owned building;  
33 authorizing the department to implement renovations in  
34 order to more efficiently use state-owned buildings;  
35 revising the contents of the master leasing report;  
36 authorizing state agencies to use the services of a  
37 tenant broker to provide certain information to the  
38 department; requiring the title entity or managing  
39 agency to report any vacant or underutilized space to  
40 the department; authorizing the department to adopt  
41 additional rules; amending s. 255.25, F.S.; reducing  
42 the amount of square feet which an agency may lease  
43 without department approval; deleting an exemption  
44 that allows an agency to negotiate a replacement lease  
45 under certain circumstances; requiring a state agency  
46 to use a tenant broker to assist with lease actions;  
47 amending s. 255.252, F.S.; specifying that a vendor  
48 for certain energy efficiency contracts must be  
49 selected in accordance with state procurement  
50 requirements; amending s. 255.254, F.S.; revising  
51 provisions relating to requirements for energy  
52 performance analysis for certain buildings; amending  
53 s. 255.257, F.S.; requiring all state-owned facilities  
54 to report energy consumption and cost data; creating  
55 s. 255.46, F.S.; creating the Underused Property  
56 Maximization Program in the Department of Management  
57 Services; providing legislative intent and  
58 definitions; requiring governmental entities to submit

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59 data and the department to establish an inventory of  
60 underused property; requiring governmental entities to  
61 consult such inventory and, if suitable, submit a  
62 business case to the entity that owns or occupies the  
63 property; providing for the disposition of underused  
64 property; requiring the Auditor General to include  
65 findings relating to compliance with this section in  
66 any audits; authorizing the department to adopt rules;  
67 report energy consumption and cost data; amending s.  
68 255.503, F.S.; authorizing the department to charge  
69 state employees fees for the use of parking  
70 facilities; amending ss. 110.171 and 985.682, F.S.;  
71 conforming cross-references; providing an  
72 appropriation; providing effective dates.

73  
74 Be It Enacted by the Legislature of the State of Florida:

75  
76 Section 1. Section 216.0152, Florida Statutes, is amended  
77 to read:

78 216.0152 Inventory of state-owned facilities or state-  
79 occupied facilities.—

80 (1) The Department of Management Services shall develop and  
81 maintain an automated inventory of all facilities owned, leased,  
82 rented, or otherwise occupied or maintained by a state ~~any~~  
83 ~~agency of the state~~, the judicial branch, or the water  
84 management districts. The inventory data shall be provided  
85 annually by July 1 by the owning or operating agency in a format  
86 prescribed by the department and must ~~shall~~ include the  
87 location, occupying agency, ownership, size, condition

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88 assessment, valuations, operating costs, maintenance record,  
89 age, parking and employee facilities, building uses, full-time  
90 equivalent occupancy, known restrictions or historic  
91 designations, leases or subleases, associated revenues, and  
92 other information as required by ~~in a~~ rule adopted by the  
93 department. The department shall use this data for determining  
94 maintenance needs, conducting strategic analyses, including, but  
95 not limited to, analyzing and identifying candidates for  
96 surplus, valuation, and disposition, and life-cycle cost  
97 evaluations of the facility. ~~Inventory data shall be provided to~~  
98 ~~the department on or before July 1 of each year by the owning or~~  
99 ~~operating agency in a format prescribed by the department.~~ The  
100 inventory need not include a condition assessment or maintenance  
101 record of facilities not owned by a state agency, the judicial  
102 branch, or a water management district. The term "facility," as  
103 used in this section, means buildings, structures, and building  
104 systems, but does not include transportation facilities of the  
105 state transportation system.

106 (a) For reporting purposes, the Department of  
107 Transportation shall develop and maintain an inventory of the  
108 transportation facilities of the state transportation system.  
109 The Department of Transportation shall also identify and dispose  
110 of surplus property pursuant to ss. 337.25 and 339.04.

111 (b) The Board of Governors of the State University System  
112 and the Department of Education, respectively, shall develop and  
113 maintain an inventory, in the manner prescribed by the  
114 Department of Management Services, of all state university and  
115 community college facilities and, by July 1 of each year,  
116 provide this inventory ~~shall make the data available~~ in a format

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117 acceptable to the Department of Management Services. ~~By March~~  
118 ~~15, 2011, the department shall adopt rules pursuant to ss.~~  
119 ~~120.536 and 120.54 to administer this section.~~

120 ~~(2) For the purpose of assessing needed repairs and~~  
121 ~~renovations of facilities, the Department of Management Services~~  
122 ~~shall update its inventory with condition information for~~  
123 ~~facilities of 3,000 square feet or more and cause to be updated~~  
124 ~~the other inventories required by subsection (1) at least once~~  
125 ~~every 5 years, but the inventories shall record acquisitions of~~  
126 ~~new facilities and significant changes in existing facilities as~~  
127 ~~they occur. The Department of Management Services shall provide~~  
128 ~~each agency and the judicial branch with the most recent~~  
129 ~~inventory applicable to that agency or to the judicial branch.~~  
130 ~~Each agency and the judicial branch shall, in the manner~~  
131 ~~prescribed by the Department of Management Services, report~~  
132 ~~significant changes in the inventory as they occur. Items~~  
133 ~~relating to the condition and life-cycle cost of a facility~~  
134 ~~shall be updated at least every 5 years.~~

135 ~~(2)~~(3) ~~The Department of Management Services and the~~  
136 ~~Department of Environmental Protection shall, by October 1 of~~  
137 ~~each year, every 3 years, publish a complete report detailing~~  
138 ~~the this inventory of all state-owned facilities, including the~~  
139 ~~inventories of the Board of Governors of the State University~~  
140 ~~System, the Department of Education, and the Department of~~  
141 ~~Transportation, excluding the transportation facilities of the~~  
142 ~~state transportation system. The annual report of state-owned~~  
143 ~~real property recommended for disposition required under s.~~  
144 ~~216.0153 must be included in this report and shall publish an~~  
145 ~~annual update of the report. The department shall furnish the~~

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146 ~~updated report to the Executive Office of the Governor and the~~  
147 ~~Legislature no later than September 15 of each year.~~

148 (3) An entity that is required to submit a report under  
149 this section must also submit an inventory of all underused  
150 property it owns, leases, rents, or otherwise occupies or  
151 maintains to the Department of Management Services pursuant to  
152 s. 255.46.

153 (4) The Department of Management Services shall adopt rules  
154 to administer this section.

155 Section 2. Paragraph (b) of subsection (3) of section  
156 216.043, Florida Statutes, is amended to read:

157 216.043 Budgets for fixed capital outlay.—

158 (3) Each legislative budget request for fixed capital  
159 outlay submitted shall contain:

160 (b) A full explanation of the basis for each project,  
161 including a description of the program which requires the  
162 facility; an explanation of the inability of existing  
163 facilities, or underused property as identified in s. 255.46, to  
164 meet such requirements; historical background; alternatives; and  
165 anticipated changes in operating costs, both initial and  
166 continuing.

167 Section 3. Subsection (8) of section 253.031, Florida  
168 Statutes, is amended to read:

169 253.031 Land office; custody of documents concerning land;  
170 moneys; plats.—

171 (8) The board shall keep a suitable seal of office. An  
172 impression of this seal shall be made upon the deeds conveying  
173 lands sold by the state, by the Board of Education, and by the  
174 Board of Trustees of the Internal Improvement Trust Fund of this

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175 state; and all such deeds shall be ~~personally~~ signed by the  
176 ~~officers or~~ trustees or their agents as authorized under s.  
177 253.431, making the same and impressed with the ~~said~~ seal and  
178 are ~~shall be~~ operative and valid without witnesses to the  
179 execution thereof; and the impression of such seal on any such  
180 deeds entitles ~~shall entitle~~ the same to record and to be  
181 received in evidence in all courts.

182 Section 4. Subsection (6) and subsection (15) of section  
183 253.034, Florida Statutes, are amended to read:

184 253.034 State-owned lands; uses.-

185 (6) The Board of Trustees of the Internal Improvement Trust  
186 Fund shall determine which lands, the title to which is vested  
187 in the board, may be surplused. For conservation lands, the  
188 board shall determine whether ~~make a determination that~~ the  
189 lands are no longer needed for conservation purposes and may  
190 dispose of them by an affirmative vote of at least three  
191 members. In the case of a land exchange involving the  
192 disposition of conservation lands, the board must determine by  
193 an affirmative vote of at least three members that the exchange  
194 will result in a net positive conservation benefit. For all  
195 other lands, the board shall determine whether ~~make a~~  
196 ~~determination that~~ the lands are no longer needed and may  
197 dispose of them by an affirmative vote of at least three  
198 members.

199 (a) For the purposes of this subsection, all lands acquired  
200 by the state before ~~prior to~~ July 1, 1999, using proceeds from  
201 ~~the~~ Preservation 2000 bonds, the Conservation and Recreation  
202 Lands Trust Fund, the Water Management Lands Trust Fund,  
203 Environmentally Endangered Lands Program, and the Save Our Coast

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204 Program and titled to the board, which ~~lands~~ are identified as  
205 core parcels or within original project boundaries are, ~~shall be~~  
206 deemed to have been acquired for conservation purposes.

207 (b) For any lands purchased by the state on or after July  
208 1, 1999, before a determination shall be made by the board prior  
209 ~~to~~ acquisition, the board must determine which as to those  
210 parcels must ~~that shall~~ be designated as having been acquired  
211 for conservation purposes. ~~No~~ Lands acquired for use by the  
212 Department of Corrections, the Department of Management Services  
213 for use as state offices, the Department of Transportation,  
214 except those specifically managed for conservation or recreation  
215 purposes, or the State University System or the Florida  
216 Community College System may not ~~shall~~ be designated as having  
217 been purchased for conservation purposes.

218 (c) At least every 10 years, as a component of each land  
219 management plan or land use plan and in a form and manner  
220 prescribed by rule by the board, each manager shall evaluate and  
221 indicate to the board those lands that are not being used for  
222 the purpose for which they were originally leased. For  
223 conservation lands, the council shall review and ~~shall~~ recommend  
224 to the board whether such lands should be retained in public  
225 ownership or disposed of by the board. For nonconservation  
226 lands, the division shall review such lands and ~~shall~~ recommend  
227 to the board whether such lands should be retained in public  
228 ownership or disposed of by the board.

229 (d) Lands owned by the board which are not actively managed  
230 by any state agency or for which a land management plan has not  
231 been completed pursuant to subsection (5) must ~~shall~~ be reviewed  
232 by the council or its successor for its recommendation as to



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233 whether such lands should be disposed of by the board.

234 (e) Before ~~Prior to~~ any decision by the board to surplus  
235 lands, the Acquisition and Restoration Council shall review and  
236 make recommendations to the board concerning the request for  
237 surplusings. The council shall determine whether the request for  
238 surplusings is compatible with the resource values of and  
239 management objectives for such lands.

240 (f) In reviewing lands owned by the board, the council  
241 shall consider whether such lands would be more appropriately  
242 owned or managed by the county or other unit of local government  
243 in which the land is located. The council shall recommend to the  
244 board whether a sale, lease, or other conveyance to a local  
245 government would be in the best interests of the state and local  
246 government. The provisions of this paragraph in no way limit the  
247 provisions of ss. 253.111 and 253.115. Such lands shall be  
248 offered to the state, county, or local government for a period  
249 of 45 days. Permittable uses for such surplus lands may include  
250 public schools; public libraries; fire or law enforcement  
251 substations; governmental, judicial, or recreational centers;  
252 and affordable housing meeting the criteria of s. 420.0004(3).  
253 County or local government requests for surplus lands shall be  
254 expedited throughout the surplusings process. If the county or  
255 local government does not elect to purchase such lands in  
256 accordance with s. 253.111, ~~then~~ any surplusings determination  
257 involving other governmental agencies shall be made when ~~upon~~  
258 the board decides ~~deciding~~ the best public use of the lands.  
259 Surplus properties in which governmental agencies have expressed  
260 no interest must ~~shall~~ then be available for sale on the private  
261 market.

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262 (g)~~1.~~ The sale price of lands determined to be surplus  
263 pursuant to this subsection and s. 253.82 shall be determined by  
264 the division, which shall consider ~~and shall take into~~  
265 ~~consideration~~ an appraisal of the property, or, if when the  
266 estimated value of the land is \$500,000 or less ~~than \$100,000~~, a  
267 comparable sales analysis or a broker's opinion of value. ~~If the~~  
268 ~~appraisal referenced in this paragraph yields a value equal to~~  
269 ~~or greater than \$1 million~~, The division, ~~in its sole~~  
270 ~~discretion~~, may require a second appraisal. The individual or  
271 entity that requests ~~requesting~~ to purchase the surplus parcel  
272 shall pay all ~~appraisal~~ costs associated with determining the  
273 property's value, if any.

274 1.2.a. A written valuation of land determined to be surplus  
275 pursuant to this subsection and s. 253.82, and related documents  
276 used to form the valuation or which pertain to the valuation,  
277 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.  
278 I of the State Constitution.

279 a.b. The exemption expires 2 weeks before the contract or  
280 agreement regarding the purchase, exchange, or disposal of the  
281 surplus land is first considered for approval by the board.

282 b.e. Before ~~Prior to~~ expiration of the exemption, the  
283 division may disclose confidential and exempt appraisals,  
284 valuations, or valuation information regarding surplus land:

285 (I) During negotiations for the sale or exchange of the  
286 land.

287 (II) During the marketing effort or bidding process  
288 associated with the sale, disposal, or exchange of the land to  
289 facilitate closure of such effort or process.

290 (III) When the passage of time has made the conclusions of

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291 value invalid.

292 (IV) When negotiations or marketing efforts concerning the  
293 land are concluded.

294 ~~2.3.~~ A unit of government that acquires title to lands  
295 hereunder for less than appraised value may not sell or transfer  
296 title to all or any portion of the lands to any private owner  
297 for ~~a period of~~ 10 years. Any unit of government seeking to  
298 transfer or sell lands pursuant to this paragraph must ~~shall~~  
299 first allow the board of trustees to reacquire such lands for  
300 the price at which the board sold such lands.

301 (h) Parcels with a market value over \$500,000 must be  
302 initially offered for sale by competitive bid. The division may  
303 use agents, as authorized by s. 253.431, for this process. Any  
304 parcels unsuccessfully offered for sale by competitive bid, and  
305 parcels with a market value of \$500,000 or less, may be sold by  
306 any reasonable means, including procuring real estate services,  
307 open or exclusive listings, competitive bid, auction, negotiated  
308 direct sales, or other appropriate services, to facilitate the  
309 sale.

310 (i) ~~(h)~~ After reviewing the recommendations of the council,  
311 the board shall determine whether lands identified for surplus  
312 are to be held for other public purposes or ~~whether such lands~~  
313 are no longer needed. The board may require an agency to release  
314 its interest in such lands. A state ~~For an~~ agency, county, or  
315 local government that has requested the use of a property that  
316 was to be declared as surplus, ~~said agency~~ must secure ~~have~~ the  
317 property under lease within 90 days after being notified that it  
318 may use such property ~~6 months of the date of expiration of the~~  
319 ~~notice provisions required under this subsection and s. 253.111.~~

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320        (j)~~(i)~~ Requests for surplusing may be made by any public or  
321 private entity or person. All requests shall be submitted to the  
322 lead managing agency for review and recommendation to the  
323 council or its successor. Lead managing agencies ~~shall~~ have 90  
324 days to review such requests and make recommendations. Any  
325 surplusing requests that have not been acted upon within the 90-  
326 day time period shall be immediately scheduled for hearing at  
327 the next regularly scheduled meeting of the council or its  
328 successor. Requests for surplusing pursuant to this paragraph  
329 are ~~shall~~ not ~~be~~ required to be offered to local or state  
330 governments as provided in paragraph (f).

331        (k)~~(j)~~ Proceeds from any sale of surplus lands pursuant to  
332 this subsection shall be deposited into the fund from which such  
333 lands were acquired. However, if the fund from which the lands  
334 were originally acquired no longer exists, such proceeds shall  
335 be deposited into an appropriate account to be used for land  
336 management by the lead managing agency assigned the lands before  
337 ~~prior to~~ the lands were ~~being~~ declared surplus. Funds received  
338 from the sale of surplus nonconservation lands, or lands that  
339 were acquired by gift, by donation, or for no consideration,  
340 shall be deposited into the Internal Improvement Trust Fund.

341        (l)~~(k)~~ Notwithstanding ~~the provisions of~~ this subsection,  
342 ~~no~~ such disposition of land may not ~~shall~~ be made if it ~~such~~  
343 ~~disposition~~ would have the effect of causing all or any portion  
344 of the interest on any revenue bonds issued to lose the  
345 exclusion from gross income for federal income tax purposes.

346        (m)~~(l)~~ The sale of filled, formerly submerged land that  
347 does not exceed 5 acres in area is not subject to review by the  
348 council or its successor.

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349        (n) ~~(m)~~ The board may adopt rules to administer ~~implement~~  
350 ~~the provisions of~~ this section, which may include procedures for  
351 administering surplus land requests and criteria for when the  
352 division may approve requests to surplus nonconservation lands  
353 on behalf of the board.

354        (15) Before a building or parcel of land is offered for  
355 lease, sublease, or sale to a local or federal unit of  
356 government or a private party, it must ~~shall~~ first be offered  
357 for lease to state agencies, state universities, and community  
358 colleges, contingent upon the submission of a business plan for  
359 the proposed use of the building or parcel. Within 60 days after  
360 the offer of a surplus building or parcel, a state agency, state  
361 university, or Florida College System institution that requests  
362 the transfer of a surplus building or parcel must develop and  
363 submit a business plan for the proposed use of the building or  
364 parcel. The business plan must, at a minimum, include the  
365 proposed use, the cost of renovation, the replacement cost for a  
366 new building for the same proposed use, a capital improvement  
367 plan for the building, evidence that the building or parcel  
368 meets an existing need that cannot be otherwise met, and other  
369 criteria developed by rule by the board of trustees with  
370 ~~priority consideration given to state universities and community~~  
371 ~~colleges.~~ A state agency, university, or Florida College System  
372 institution shall ~~community college must~~ submit its business a  
373 plan for review and approval by the Board of Trustees of the  
374 Internal Improvement Trust Fund or its designee regarding the  
375 intended use of the building or parcel of land before approval  
376 of a lease. The board or its designee shall compare the  
377 appraised value of the building or parcel to any submitted

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378 business plan for proposed use of the building or parcel to  
379 determine if the transfer or sale is in the best interest of the  
380 state.

381 Section 5. Section 255.248, Florida Statutes, is amended to  
382 read:

383 255.248 Definitions; ~~ss. 255.249 and 255.25.~~—As used in  
384 this section and ss. 255.249-255.25 ~~255.249 and 255.25~~, the  
385 term:

386 (1) "Best leasing value" means the highest overall value to  
387 the state based on objective factors that include, but are not  
388 limited to, rental rate, renewal rate, operational and  
389 maintenance costs, tenant-improvement allowance, location, lease  
390 term, condition of facility, landlord responsibility, amenities,  
391 and parking.

392 (2) "Competitive solicitation" means an invitation to bid,  
393 a request for proposals, or an invitation to negotiate.

394 (3) "Department" means the Department of Management  
395 Services.

396 (4) "Managing agency" means an agency that serves as the  
397 title entity or that leases property from the Board of Trustees  
398 of the Internal Improvement Trust Fund for the operation and  
399 maintenance of a state-owned office building.

400 (5) ~~(4)~~ "Privately owned building" means any building not  
401 owned by a governmental agency.

402 (6) ~~(5)~~ "Responsible lessor" means a lessor that ~~who~~ has the  
403 capability in all respects to fully perform the contract  
404 requirements and the integrity and reliability that will assure  
405 good faith performance.

406 (7) ~~(6)~~ "Responsive bid," "responsive proposal," or

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407 "responsive reply" means a bid or proposal, or reply submitted  
408 by a responsive and responsible lessor, which conforms in all  
409 material respects to the solicitation.

410 ~~(8)-(7)~~ "Responsive lessor" means a lessor that has  
411 submitted a bid, proposal, or reply that conforms in all  
412 material respects to the solicitation.

413 ~~(9)-(8)~~ "State-owned office building" means any building  
414 whose title to which is vested in the state and which is used by  
415 one or more executive agencies predominantly for administrative  
416 direction and support functions. ~~The~~ This term excludes:

417 (a) District or area offices established for field  
418 operations where law enforcement, military, inspections, road  
419 operations, or tourist welcoming functions are performed.

420 (b) All educational facilities and institutions under the  
421 supervision of the Department of Education.

422 (c) All custodial facilities and institutions used  
423 primarily for the care, custody, or treatment of wards of the  
424 state.

425 (d) Buildings or spaces used for legislative activities.

426 (e) Buildings purchased or constructed from agricultural or  
427 citrus trust funds.

428 (10) "Tenant broker" means a private real estate broker or  
429 brokerage firm licensed to do business in this state and under  
430 contract with the department to provide real estate transaction,  
431 portfolio management, and strategic planning services for state  
432 agencies.

433 Section 6. Section 255.249, Florida Statutes, is amended to  
434 read:

435 255.249 Department of Management Services; responsibility;

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436 department rules.-

437 (1) The department shall have responsibility and authority  
438 for the operation, custodial care, ~~and~~ preventive maintenance,  
439 repair, alteration, modification, and allocation of space for ~~of~~  
440 all buildings in the Florida Facilities Pool and adjacent ~~the~~  
441 grounds ~~located adjacent thereto.~~

442 (2) A state agency may not lease space in a private  
443 building that is to be constructed for state use without first  
444 obtaining prior approval of the architectural design and  
445 preliminary construction from the department.

446 (3) ~~(2)~~ The department shall require a ~~any~~ state agency  
447 planning to terminate a lease for the purpose of occupying space  
448 in a new state-owned office building, ~~the funds for which are~~  
449 ~~appropriated after June 30, 2000,~~ to state why the proposed  
450 relocation is in the best interest of the state.

451 (4) ~~(3)(a)~~ An agency that intends to terminate a lease of  
452 privately owned space before the expiration of its base term,  
453 must notify the department 90 days before the termination. The  
454 department shall, to the extent feasible, coordinate the  
455 vacation of privately owned leased space with the expiration of  
456 the lease on that space and, when a lease is terminated before  
457 expiration of its base term, will make a reasonable effort to  
458 place another state agency in the space vacated. A ~~Any~~ state  
459 agency may lease the space in any building that was subject to a  
460 lease terminated by a state agency for a period of time equal to  
461 the remainder of the base term without ~~the requirement of~~  
462 competitive solicitation.

463 (5) The department may direct a state agency to occupy, or  
464 relocate to, space in any state-owned office building, including



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465 all state-owned space identified in the Florida State-Owned  
466 Lands and Records Information System managed by the Department  
467 of Environmental Protection.

468 (6) If expressly authorized by the General Appropriations  
469 Act and, in the best interest of the state, the department may  
470 implement renovations or construction that more efficiently use  
471 state-owned buildings. Such use of tenant-improvement funds  
472 applies only to state-owned buildings, and all expenditures must  
473 be reported by the department in the master leasing report  
474 identified in subsection (8).

475 (7) ~~(b)~~ The department shall develop and implement a  
476 strategic leasing plan. The strategic leasing plan must ~~shall~~  
477 forecast space needs for all state agencies and identify  
478 opportunities for reducing costs through consolidation,  
479 relocation, reconfiguration, capital investment, and the  
480 renovation, building, or acquisition of state-owned space.

481 (8) ~~(e)~~ The department shall annually publish a master  
482 leasing report that includes the strategic leasing plan created  
483 under subsection (7). The department shall annually submit  
484 ~~furnish~~ the ~~master~~ leasing report to the Executive Office of the  
485 Governor and the Legislature by October 1. The report must  
486 provide September 15 of each year which provides the following  
487 information:

488 (a) ~~1.~~ A list, by agency and by geographic market, of all  
489 leases that are due to expire within 24 months.

490 (b) ~~2.~~ Details of each lease, including location, size, cost  
491 per leased square foot, lease-expiration date, and a  
492 determination of whether sufficient state-owned office space  
493 will be available at the expiration of the lease to accommodate

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494 affected employees.

495 (c)~~3~~. A list of amendments and supplements to and waivers  
496 of terms and conditions in lease agreements that have been  
497 approved pursuant to s. 255.25(2)~~(a)~~ during the previous 12  
498 months and an associated comprehensive analysis, including  
499 financial implications, showing that any amendment, supplement,  
500 or waiver is in the state's long-term best interest.

501 (d)~~4~~. Financial impacts to the Florida Facilities Pool  
502 rental rate due to the sale, removal, acquisition, or  
503 construction of pool facilities.

504 (e)~~5~~. Changes in occupancy rate, maintenance costs, and  
505 efficiency costs of leases in the state portfolio. Changes to  
506 occupancy costs in leased space by market and changes to space  
507 consumption by agency and by market.

508 (f)~~6~~. An analysis of portfolio supply and demand.

509 (g)~~7~~. Cost-benefit analyses of acquisition, build, and  
510 consolidation opportunities, recommendations for strategic  
511 consolidation, and strategic recommendations for disposition,  
512 acquisition, and building.

513 (h) Recommendations for using capital improvement funds to  
514 implement the consolidation of state agencies into state-owned  
515 office buildings.

516 (i)~~8~~. The updated plan required by s. 255.25(4)(c).

517 (9)~~(d)~~ Annually, by June 30: of each year,

518 (a) Each state agency shall ~~annually~~ provide to the  
519 department all information regarding agency programs affecting  
520 the need for or use of space by that agency, reviews of lease-  
521 expiration schedules for each geographic area, active and  
522 planned full-time equivalent data, business case analyses

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523 related to consolidation plans by an agency, a telework program  
524 under s. 110.171, and current occupancy and relocation costs,  
525 inclusive of furnishings, fixtures and equipment, data, and  
526 communications. State agencies may use the services of a tenant  
527 broker in preparing this information.

528 (b) The title entity or managing agency shall report to the  
529 department any vacant or underutilized space for all state-owned  
530 office buildings and any restrictions that apply to any other  
531 agency occupying the vacant or underutilized space. The title  
532 entity or managing agency shall also notify the department of  
533 any significant changes to its occupancy for the coming fiscal  
534 year.

535 (10)(4) The department shall adopt rules ~~pursuant to~~  
536 ~~chapter 120~~ providing:

537 (a) Methods for accomplishing the duties outlined in  
538 subsection (1).

539 (b) Procedures for soliciting and accepting competitive  
540 solicitations for leased space of 2,000 ~~5,000~~ square feet or  
541 more in privately owned buildings, for evaluating ~~the~~ proposals  
542 received, for exemption from competitive solicitations  
543 requirements of any lease for ~~the purpose of which is~~ the  
544 provision of care and living space for persons or emergency  
545 space needs as provided in s. 255.25(10), and for ~~the~~ securing  
546 ~~of~~ at least three documented quotes for a lease that is not  
547 required to be competitively solicited.

548 (c) A standard method for determining square footage or any  
549 other measurement used as the basis for lease payments or other  
550 charges.

551 (d) Methods of allocating space in both state-owned office

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552 buildings and privately owned buildings leased by the state  
553 based on use, personnel, and office equipment.

554 (e)~~1.~~ Acceptable terms and conditions for inclusion in  
555 lease agreements.

556 ~~2.~~ At a minimum, such terms and conditions must ~~shall~~  
557 include, ~~at a minimum,~~ the following clauses, which may not be  
558 amended, supplemented, or waived:

559 ~~1.a.~~ As provided in s. 255.2502, "The State of Florida's  
560 performance and obligation to pay under this contract is  
561 contingent upon an annual appropriation by the Legislature."

562 ~~2.b.~~ "The lessee has ~~shall have~~ the right to terminate this  
563 lease, without penalty, if this lease in the event a state-owned  
564 building becomes available to the lessee for occupancy and the  
565 lessee has given ~~upon giving~~ 6 months' advance written notice to  
566 the lessor by certified mail, return receipt requested."

567 (f) State agency use of space identified in the Florida  
568 State-Owned Lands and Records Information System under  
569 subsection (5) Maximum rental rates, by geographic areas or by  
570 county, for leasing privately owned space.

571 (g) A standard method for the assessment of rent to state  
572 agencies and other authorized occupants of state-owned office  
573 space, notwithstanding the source of funds.

574 (h) For full disclosure of the names and the extent of  
575 interest of the owners holding a 4-percent or more interest in  
576 ~~any~~ privately owned property leased to the state or in the  
577 entity holding title to the property, for exemption from such  
578 disclosure of any beneficial interest that ~~which~~ is represented  
579 by stock in a ~~any~~ corporation registered with the Securities and  
580 Exchange Commission or registered pursuant to chapter 517, which

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581 ~~stock~~ is for sale to the general public, and for exemption from  
582 such disclosure of any leasehold interest in property located  
583 outside the territorial boundaries of the United States.

584 (i) For full disclosure of the names of all public  
585 officials, agents, or employees holding any interest in any  
586 privately owned property leased to the state or in the entity  
587 holding title to the property, and the nature and extent of  
588 their interest, for exemption from such disclosure of any  
589 beneficial interest that ~~which~~ is represented by stock in any  
590 corporation registered with the Securities and Exchange  
591 Commission or registered pursuant to chapter 517, which ~~stock~~ is  
592 for sale to the general public, and for exemption from such  
593 disclosure of any leasehold interest in property located outside  
594 the territorial boundaries of the United States.

595 (j) A method for reporting leases for nominal or no  
596 consideration.

597 (k) For a lease of less than 2,000 ~~5,000~~ square feet, a  
598 method for certification by the agency head or the agency head's  
599 designated representative that all criteria for leasing have  
600 been fully complied with and for ~~the~~ filing ~~of~~ a copy of such  
601 lease and all supporting documents with the department for its  
602 review and approval as to technical sufficiency and whether it  
603 is in the best interests of the state.

604 (l) A standardized format for state agency reporting of the  
605 information required by paragraph (9) (a) ~~(3) (d)~~.

606 (m) Procedures for the effective and efficient  
607 administration of this section.

608 (11) (5) ~~The~~ department shall prepare a form listing all  
609 conditions and requirements adopted pursuant to this chapter

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610 which must be met by any state agency leasing any building or  
611 part thereof. Before executing any lease, this form must ~~shall~~  
612 be certified by the agency head or the agency head's designated  
613 representative and submitted to the department.

614 (12) ~~(6)~~ The department may contract for real estate  
615 consulting or tenant brokerage services in order to carry out  
616 its duties relating to the strategic leasing plan under  
617 subsection (7). The contract must ~~shall~~ be procured pursuant to  
618 s. 287.057. The vendor ~~vendor that is~~ awarded the contract shall  
619 be compensated ~~by the department~~, subject to the provisions of  
620 the contract, and such compensation is subject to appropriation  
621 by the Legislature. A ~~The~~ real estate consultant or tenant  
622 broker may not receive compensation directly from a lessor for  
623 services that are rendered pursuant to the contract. Moneys paid  
624 by a lessor to the department under a facility-leasing  
625 arrangement are not subject to the charges imposed under s.  
626 215.20.

627 Section 7. Section 255.25, Florida Statutes, is amended to  
628 read:

629 255.25 Approval required before ~~prior to~~ construction or  
630 lease of buildings.-

631 ~~(1)(a) A state agency may not lease space in a private~~  
632 ~~building that is to be constructed for state use unless prior~~  
633 ~~approval of the architectural design and preliminary~~  
634 ~~construction plans is first obtained from the department.~~

635 ~~(b)~~ During the term of existing leases, each agency shall  
636 consult with the department regarding opportunities for  
637 consolidation, use of state-owned space, build-to-suit space,  
638 and potential acquisitions; shall monitor market conditions; and

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639 shall initiate a competitive solicitation or, if appropriate,  
640 lease-renewal negotiations for each lease held in the private  
641 sector to effect the best overall lease terms reasonably  
642 available to that agency.

643 (a) Amendments to leases may be permitted to modify any  
644 lease provisions or ~~any~~ other terms or conditions unless, ~~except~~  
645 ~~to the extent~~ specifically prohibited under ~~by~~ this chapter.

646 (b) The department shall serve as a mediator in lease-  
647 renewal negotiations if the agency and the lessor are unable to  
648 reach a compromise within 6 months after renegotiation and if  
649 ~~either~~ the agency or lessor requests intervention by the  
650 department.

651 (c) ~~If when specifically~~ authorized by the General  
652 Appropriations Act, and in accordance with s. 255.2501, if  
653 applicable, the department may approve a lease-purchase, sale-  
654 leaseback, or tax-exempt leveraged lease contract or other  
655 financing technique for the acquisition, renovation, or  
656 construction of a state fixed capital outlay project if ~~when~~ it  
657 is in the best interest of the state.

658 ~~(2)(a)~~ Except as provided in ss. 255.249 and s. 255.2501, a  
659 state agency may not lease a building or any part thereof unless  
660 prior approval of the lease conditions and of the need for the  
661 lease ~~therefor~~ is first obtained from the department. An ~~Any~~  
662 approved lease may include an option to purchase or an option to  
663 renew the lease, or both, upon such terms and conditions as are  
664 established by the department, subject to final approval by the  
665 head of the department ~~of Management Services~~ and s. 255.2502.

666 (a) ~~(b)~~ For the lease of less than 2,000 ~~5,000~~ square feet  
667 of space, including space leased for nominal or no

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668 consideration, a state agency must notify the department at  
669 least 90 ~~30~~ days before the execution of the lease. The  
670 department shall review the lease and determine whether suitable  
671 space is available in a state-owned or state-leased building  
672 located in the same geographic region. If the department  
673 determines that space is not available, the department shall  
674 determine whether the state agency lease is in the best  
675 interests of the state. If the department determines that the  
676 execution of the lease is not in the best interests of the  
677 state, the department shall notify the agency proposing the  
678 lease, the Governor, the President of the Senate, and the  
679 Speaker of the House of Representatives ~~and the presiding~~  
680 ~~officers of each house of the Legislature~~ of such finding in  
681 writing. A lease that is for a term extending beyond the end of  
682 a fiscal year is subject to ~~the provisions of~~ ss. 216.311,  
683 255.2502, and 255.2503.

684 (b) ~~(e)~~ The department shall adopt ~~as a rule~~ uniform leasing  
685 procedures by rule for use by each state agency ~~other than the~~  
686 ~~Department of Transportation~~. Each state agency shall ensure  
687 that the leasing practices of that agency are in substantial  
688 compliance with the uniform leasing rules adopted under this  
689 section and ss. 255.249, 255.2502, and 255.2503.

690 (c) ~~(d)~~ ~~Notwithstanding paragraph (a) and except as provided~~  
691 ~~in ss. 255.249 and 255.2501, a state agency may not lease a~~  
692 ~~building or any part thereof unless prior approval of the lease~~  
693 ~~terms and conditions and of the need therefor is first obtained~~  
694 ~~from the department~~. The department may not approve any term or  
695 condition in a lease agreement which has been amended,  
696 supplemented, or waived unless a comprehensive analysis,



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697 including financial implications, demonstrates that such  
698 amendment, supplement, or waiver is in the state's long-term  
699 best interest. An ~~Any~~ approved lease may include an option to  
700 purchase or an option to renew the lease, or both, upon such  
701 terms and conditions as are established by the department,  
702 subject to final approval by the head of the department, ~~of~~  
703 ~~Management Services~~ and the provisions of s. 255.2502.

704 (3) (a) Except as provided in subsection (10), a state  
705 agency may not enter into a lease as lessee for the use of 2,000  
706 ~~5,000~~ square feet or more of space in a privately owned building  
707 except upon advertisement for and receipt of competitive  
708 solicitations.

709 1.a. An invitation to bid must ~~shall~~ be made available  
710 simultaneously to all lessors and ~~must~~ include a detailed  
711 description of the space sought; the time and date for the  
712 receipt of bids and of the public opening; and all contractual  
713 terms and conditions applicable to the procurement, including  
714 the criteria to be used in determining the acceptability of the  
715 bid. If the agency contemplates renewing ~~renewal~~ of the  
716 contract, that fact must be stated in the invitation to bid. The  
717 bid must include the price for each year for which the contract  
718 may be renewed. Evaluation of bids must ~~shall~~ include  
719 consideration of the total cost for each year as submitted by  
720 the lessor. Criteria that were not set forth in the invitation  
721 to bid may not be used in determining the acceptability of the  
722 bid.

723 b. The contract shall be awarded with reasonable promptness  
724 by written notice to the responsible and responsive lessor that  
725 submits the lowest responsive bid. The contract file must

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726 contain a written determination that the bid meets ~~This bid must~~  
727 ~~be determined in writing to meet~~ the requirements and criteria  
728 set forth in the invitation to bid.

729 2.a. If an agency determines in writing that the use of an  
730 invitation to bid is not practicable, leased space shall be  
731 procured by competitive sealed proposals. A request for  
732 proposals shall be made available simultaneously to all lessors  
733 and must include a statement of the space sought; the time and  
734 date for the receipt of proposals and of the public opening; and  
735 all contractual terms and conditions applicable to the  
736 procurement, including the criteria, which must include, but  
737 need not be limited to, price, to be used in determining the  
738 acceptability of the proposal. The relative importance of price  
739 and other evaluation criteria must ~~shall~~ be indicated. If the  
740 agency contemplates renewing ~~renewal~~ of the contract, that fact  
741 must be stated in the request for proposals. The proposal must  
742 include the price for each year for which the contract may be  
743 renewed. Evaluation of proposals must ~~shall~~ include  
744 consideration of the total cost for each year as submitted by  
745 the lessor.

746 b. The contract shall be awarded to the responsible and  
747 responsive lessor whose proposal is determined in writing to be  
748 the most advantageous to the state, taking into consideration  
749 the price and the other criteria set forth in the request for  
750 proposals. The contract file must contain documentation  
751 supporting the basis on which the award is made.

752 3.a. If the agency determines in writing that the use of an  
753 invitation to bid or a request for proposals will not result in  
754 the best leasing value to the state, the agency may procure

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755 leased space by competitive sealed replies. The agency's written  
756 determination must specify reasons ~~that explain~~ why negotiation  
757 may be necessary in order for the state to achieve the best  
758 leasing value and must be approved in writing by the agency head  
759 or his or her designee before ~~prior to the~~ advertisement of an  
760 invitation to negotiate. Cost savings related to the agency  
761 procurement process are not sufficient justification for using  
762 an invitation to negotiate. An invitation to negotiate shall be  
763 made available to all lessors simultaneously and must include a  
764 statement of the space sought; the time and date for the receipt  
765 of replies and of the public opening; and all terms and  
766 conditions applicable to the procurement, including the criteria  
767 to be used in determining the acceptability of the reply. If the  
768 agency contemplates renewing ~~renewal of~~ the contract, that fact  
769 must be stated in the invitation to negotiate. The reply must  
770 include the price for each year for which the contract may be  
771 renewed.

772       b. The agency shall evaluate and rank responsive replies  
773 against all evaluation criteria set forth in the invitation to  
774 negotiate and ~~shall~~ select, based on the ranking, one or more  
775 lessors with which to commence negotiations. After negotiations  
776 are conducted, the agency shall award the contract to the  
777 responsible and responsive lessor that the agency determines  
778 will provide the best leasing value to the state. The contract  
779 file must contain a short, plain statement that explains the  
780 basis for lessor selection and sets forth the lessor's  
781 deliverables and price pursuant to the contract, and an  
782 explanation of how these deliverables and price provide the best  
783 leasing value to the state.

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784 (b) The department ~~of Management Services~~ shall have the  
785 authority to approve a lease for 2,000 ~~5,000~~ square feet or more  
786 of space which that covers more than 12 consecutive months ±  
787 ~~fiscal year~~, subject to ~~the provisions of~~ ss. 216.311, 255.2501,  
788 255.2502, and 255.2503, if such lease is, in the judgment of the  
789 department, in the best interests of the state. In determining  
790 best interest, the department shall consider availability of  
791 state-owned space and analyses of build-to-suit and acquisition  
792 opportunities. This paragraph does not apply to buildings or  
793 facilities of any size leased for the purpose of providing care  
794 and living space to individuals ~~for persons~~.

795 (c) The department may approve extensions of an existing  
796 lease of 2,000 ~~5,000~~ square feet or more of space if such  
797 extensions are determined to be in the best interests of the  
798 state; however, but in no case shall the total of such  
799 extensions may not exceed 11 months. If at the end of the 11th  
800 month an agency still needs that space, it must ~~shall~~ be  
801 procured by competitive bid in accordance with s. 255.249(10)(b)  
802 ~~255.249(4)(b)~~. ~~However, an agency that determines that it is in~~  
803 ~~its best interest to remain in the space it currently occupies~~  
804 ~~may negotiate a replacement lease with the lessor if an~~  
805 ~~independent comparative market analysis demonstrates that the~~  
806 ~~rates offered are within market rates for the space and the cost~~  
807 ~~of the new lease does not exceed the cost of a comparable lease~~  
808 ~~plus documented moving costs. A present value analysis and the~~  
809 ~~consumer price index shall be used in the calculation of lease~~  
810 ~~costs. The term of the replacement lease may not exceed the base~~  
811 ~~term of the expiring lease.~~

812 (d) Any person who files an action protesting a decision or

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813 intended decision pertaining to a competitive solicitation for  
814 space to be leased by the agency pursuant to s. 120.57(3)(b)  
815 shall post with the state agency at the time of filing the  
816 formal written protest a bond payable to the agency in an amount  
817 equal to 1 percent of the estimated total rental of the basic  
818 lease period or \$5,000, whichever is greater, which bond is  
819 ~~shall be~~ conditioned on ~~upon~~ the payment of all costs that may  
820 be adjudged against him or her in the administrative hearing in  
821 which the action is brought and in any subsequent appellate  
822 court proceeding. If the agency prevails after completion of the  
823 administrative hearing process and any appellate court  
824 proceedings, it shall recover all costs and charges, which must  
825 ~~shall~~ be included in the final order or judgment, excluding  
826 attorney ~~attorney's~~ fees. Upon payment of such costs and charges  
827 by the person protesting the award, the bond shall be returned  
828 to him or her. If the person protesting the award prevails, the  
829 bond shall be returned to that person and he or she shall  
830 recover from the agency all costs and charges, which must ~~shall~~  
831 be included in the final order of judgment, excluding attorney  
832 ~~attorney's~~ fees.

833 (e) The agency and the lessor, when entering into a lease  
834 for 2,000 ~~5,000~~ or more square feet of a privately owned  
835 building, shall, before the effective date of the lease, agree  
836 upon and separately state the cost of tenant improvements which  
837 may qualify for reimbursement if the lease is terminated before  
838 the expiration of its base term. The department shall serve as  
839 mediator if the agency and the lessor are unable to agree. The  
840 amount agreed upon and stated shall, if appropriated, be  
841 amortized over the original base term of the lease on a

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842 straight-line basis.

843 (f) The unamortized portion of tenant improvements, if  
844 appropriated, shall be paid in equal monthly installments over  
845 the remaining term of the lease. If any portion of the original  
846 leased premises is occupied after termination but during the  
847 original term by a tenant who ~~that~~ does not require material  
848 changes to the premises, the repayment of the cost of tenant  
849 improvements applicable to the occupied but unchanged portion  
850 shall be abated during occupancy. The portion of the repayment  
851 to be abated must ~~shall~~ be based on the ratio of leased space to  
852 unleased space.

853 (g) Notwithstanding s. 287.056(1), a state agency shall  
854 ~~may, at the sole discretion of the agency head or his or her~~  
855 ~~designee,~~ use the services of a tenant broker under a state term  
856 contract to assist with a lease action ~~a competitive~~  
857 ~~solicitation~~ undertaken by the agency, with the exception of  
858 leases between governmental entities. If using ~~In making its~~  
859 ~~determination whether to use a tenant broker, a state agency~~  
860 ~~shall consult with the department. A state agency may not use~~  
861 ~~the services of a tenant broker unless the tenant broker is~~  
862 ~~under a term contract with the state which complies with~~  
863 ~~paragraph (h). If a state agency uses~~ the services of a tenant  
864 broker with respect to a transaction, the agency may not enter  
865 into a lease with a any landlord for whom ~~to which~~ the tenant  
866 broker is providing brokerage services for that transaction.

867 (h) ~~The Department of Management Services may,~~ Pursuant to  
868 s. 287.042(2) (a), the department shall procure a term contracts  
869 ~~contract for tenant broker real estate consulting and brokerage~~  
870 services. A state agency may not purchase services from the

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871 contract unless the contract has been procured under s.  
872 287.057(1) ~~after March 1, 2007,~~ and contains the following  
873 provisions or requirements:

874 1. Awarded tenant brokers must maintain an office or  
875 presence in the market served. In awarding the contract,  
876 preference must be given to brokers who ~~that~~ are licensed in  
877 this state under chapter 475 and who ~~that~~ have 3 or more years  
878 of experience in the market served. The contract may be made  
879 with multiple ~~up to three~~ tenant brokers in order to serve the  
880 marketplace ~~in the north, central, and south areas of the state.~~

881 2. Each contracted tenant broker works ~~shall work~~ under the  
882 direction, supervision, and authority of the state agency,  
883 subject to the rules governing lease procurements.

884 3. The department shall provide training for the awarded  
885 tenant brokers concerning the rules governing the procurement of  
886 leases.

887 4. Tenant brokers must comply with all applicable  
888 provisions of s. 475.278.

889 5. Real estate consultants and tenant brokers shall be  
890 compensated by the state agency, subject to the provisions of  
891 the term contract, and such compensation is subject to  
892 appropriation by the Legislature. A real estate consultant or  
893 tenant broker may not receive compensation directly from a  
894 lessor for services that are rendered under the term contract.  
895 Moneys paid by a lessor to the state agency under a facility  
896 leasing arrangement are not subject to the charges imposed under  
897 s. 215.20. All terms relating to the compensation of the real  
898 estate consultant or tenant broker must ~~shall~~ be specified in  
899 the term contract and may not be supplemented or modified by the

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900 state agency using the contract.

901 6. The department shall conduct periodic customer-  
902 satisfaction surveys.

903 7. Each state agency shall report the following information  
904 to the department:

905 a. The number of leases that adhere to the goal of the  
906 workspace-management initiative of 180 square feet per full-time  
907 employee FTE.

908 b. The quality of space leased and the adequacy of tenant-  
909 improvement funds.

910 c. The timeliness of lease procurement, measured from the  
911 date of the agency's request to the finalization of the lease.

912 d. Whether cost-benefit analyses were performed before  
913 execution of the lease in order to ensure that the lease is in  
914 the best interest of the state.

915 e. The lease costs compared to market rates for similar  
916 types and classifications of space according to the official  
917 classifications of the Building Owners and Managers Association.

918 (4) (a) The department may ~~shall~~ not authorize any state  
919 agency to enter into a lease agreement for space in a privately  
920 owned building if ~~when~~ suitable space is available in a state-  
921 owned building located in the same geographic region, except  
922 upon presentation to the department of sufficient written  
923 justification, acceptable to the department, that a separate  
924 space is required in order to fulfill the statutory duties of  
925 the agency making the ~~such~~ request. The term "state-owned  
926 building" as used in this subsection means any state-owned  
927 facility regardless of use or control.

928 (b) State agencies shall cooperate with local governmental



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929 units by using suitable, existing publicly owned facilities,  
930 subject to ~~the provisions of~~ ss. 255.2501, 255.2502, and  
931 255.2503. Agencies may use ~~utilize~~ unexpended funds appropriated  
932 for lease payments to:

- 933 1. Pay their proportion of operating costs.
- 934 2. Renovate applicable spaces.

935 (c) Because the state has a substantial financial  
936 investment in state-owned buildings, it is legislative policy  
937 and intent that if ~~when~~ state-owned buildings meet the needs of  
938 state agencies, agencies must fully use such buildings before  
939 leasing privately owned buildings. ~~By September 15, 2006,~~ The  
940 department ~~of Management Services~~ shall create a 5-year plan for  
941 implementing this policy. The department shall update this plan  
942 annually, detailing proposed departmental actions to meet the  
943 plan's goals, and include ~~shall furnish~~ this plan annually as  
944 part of the master leasing report.

945 (5) Before construction or renovation of any state-owned  
946 building or state-leased space is commenced, the department ~~of~~  
947 ~~Management Services~~ shall determine ~~ascertain~~, through the ~~by~~  
948 submission of proposed plans to the Division of State Fire  
949 Marshal for review, whether ~~that~~ the proposed construction or  
950 renovation plan complies with the uniform firesafety standards  
951 required by the division ~~of State Fire Marshal~~. The review of  
952 construction or renovation plans for state-leased space must  
953 ~~shall~~ be completed within 10 calendar days after ~~of~~ receipt of  
954 the plans by the division ~~of State Fire Marshal~~. The review of  
955 construction or renovation plans for a state-owned building must  
956 ~~shall~~ be completed within 30 calendar days after ~~of~~ receipt of  
957 the plans by the division ~~of State Fire Marshal~~. The

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958 responsibility for submission and retrieval of the plans may  
 959 ~~called for in this subsection shall~~ not be imposed on the design  
 960 architect or engineer, but is shall be the responsibility of the  
 961 two agencies. ~~If Whenever~~ the division ~~of State Fire Marshal~~  
 962 determines that a construction or renovation plan is not in  
 963 compliance with ~~such~~ uniform firesafety standards, the division  
 964 ~~of State Fire Marshal~~ may issue an order to cease all  
 965 construction or renovation activities until compliance is  
 966 obtained, except those activities required to achieve ~~such~~  
 967 compliance. The lessor shall provide the department with ~~of~~  
 968 Management Services documentation certifying that the facility  
 969 meets all of ~~shall withhold approval of any proposed lease until~~  
 970 ~~the construction or renovation plan complies with~~ the uniform  
 971 firesafety standards ~~of the Division of State Fire Marshal~~. The  
 972 cost of all modifications or renovations made for the purpose of  
 973 bringing leased property into compliance with the uniform  
 974 firesafety standards are shall be borne by the lessor. The state  
 975 may not take occupancy without the division's final approval.

976 (6) Before construction or substantial improvement of any  
 977 state-owned building is commenced, the department ~~of Management~~  
 978 ~~Services~~ must determine ascertain that the proposed construction  
 979 or substantial improvement complies with the flood plain  
 980 management criteria for mitigation of flood hazards, as  
 981 prescribed in the October 1, 1986, rules and regulations of the  
 982 Federal Emergency Management Agency, and the department shall  
 983 monitor the project to assure compliance with the criteria. ~~In~~  
 984 ~~accordance with chapter 120,~~ The department ~~of Management~~  
 985 ~~Services~~ shall adopt rules any necessary ~~rules~~ to ensure that  
 986 all ~~such~~ proposed state construction and substantial improvement

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987 of state buildings in designated flood-prone areas complies with  
988 the flood plain management criteria. If ~~Whenever~~ the department  
989 determines that a construction or substantial improvement  
990 project is not in compliance with such ~~with the established~~  
991 ~~flood plain management~~ criteria, the department may issue an  
992 order to cease all construction or improvement activities until  
993 compliance is obtained, except those activities required to  
994 achieve such compliance.

995 (7) This section does not apply to any lease having a term  
996 of less than 120 consecutive days for the purpose of securing  
997 the one-time special use of the leased property. ~~This section~~  
998 ~~does not apply to any lease for nominal or no consideration.~~

999 (8) An agency may not enter into more than one lease for  
1000 space in the same privately owned facility or complex within any  
1001 12-month period except upon competitive solicitation.

1002 (9) Specialized educational facilities, excluding  
1003 classrooms, are ~~shall be~~ exempt from the competitive bid  
1004 requirements for leasing pursuant to this section if the  
1005 executive head of a ~~any~~ state agency certifies in writing that  
1006 the said facility is available from a single source and that the  
1007 competitive bid requirements would be detrimental to the state.  
1008 Such certification must ~~shall~~ include documentation of evidence  
1009 of steps taken to determine sole-source status.

1010 (10) The department ~~of Management Services~~ may approve  
1011 emergency acquisition of space without competitive bids if  
1012 existing state-owned or state-leased space is destroyed or  
1013 rendered uninhabitable by an act of God, fire, malicious  
1014 destruction, or structural failure, or by legal action, or if  
1015 the agency head certifies in writing that there is an immediate

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1016 danger to the public health, safety, or welfare, or if other  
1017 substantial loss to the state requires emergency action and if  
1018 the chief administrator of the state agency or the chief  
1019 administrator's designated representative certifies in writing  
1020 that no other agency-controlled space is available to meet this  
1021 emergency need; however, ~~but in no case shall~~ the lease for such  
1022 space may not exceed 11 months. If the lessor elects not to  
1023 replace or renovate the destroyed or uninhabitable facility, the  
1024 agency shall procure the needed space by competitive bid in  
1025 accordance with s. 255.249(10)(b) ~~255.249(4)(b)~~. If the lessor  
1026 elects to replace or renovate the destroyed or uninhabitable  
1027 facility and the construction or renovations will not be  
1028 complete at the end of the 11-month lease, the agency may modify  
1029 the lease to extend it on a month-to-month basis for up to an  
1030 ~~additional~~ 6 months to allow completion of such construction or  
1031 renovations.

1032 (11) In any leasing of space which occurs ~~that is~~  
1033 ~~accomplished~~ without competition, the individuals taking part in  
1034 the development or selection of criteria for evaluation, in the  
1035 evaluation, and in the award processes must ~~shall~~ attest in  
1036 writing that they are independent of, and have no conflict of  
1037 interest in, the entities evaluated and selected.

1038 Section 8. Subsection (4) of section 255.252, Florida  
1039 Statutes, is amended to read:

1040 255.252 Findings and intent.—

1041 (4) In addition to designing and constructing new buildings  
1042 to be energy-efficient, it is the policy of the state to operate  
1043 and maintain state facilities in a manner that minimizes energy  
1044 consumption and maximizes building sustainability and to operate

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1045 facilities leased by the state so as to minimize energy use. It  
1046 is further the policy of the state that the renovation of  
1047 existing state facilities be in accordance with a sustainable  
1048 building rating or a national model green building code. State  
1049 agencies are encouraged to consider shared savings financing of  
1050 energy-efficiency and conservation projects, using contracts  
1051 that split the resulting savings for a specified period of time  
1052 between the state agency and the private firm or cogeneration  
1053 contracts and that otherwise permit the state to lower its net  
1054 energy costs. Such energy contracts may be funded from the  
1055 operating budget. The vendor for such energy contracts may be  
1056 selected in accordance with s. 287.055.

1057 Section 9. Effective July 1, 2014, subsection (1) of  
1058 section 255.254, Florida Statutes, is amended to read:

1059 255.254 No facility constructed or leased without life-  
1060 cycle costs.—

1061 (1) A ~~No~~ state agency may not ~~shall~~ lease, construct, or  
1062 have constructed, within limits prescribed in this section, a  
1063 facility without having secured from the department an  
1064 evaluation of life-cycle costs based on sustainable building  
1065 ratings. ~~Furthermore,~~ Construction shall proceed only upon  
1066 disclosing to the department, for the facility chosen, the life-  
1067 cycle costs as determined in s. 255.255, the facility's  
1068 sustainable building rating goal, and the capitalization of the  
1069 initial construction costs of the building. The life-cycle costs  
1070 and the sustainable building rating goal shall be primary  
1071 considerations in the selection of a building design. For leased  
1072 facilities larger buildings more than 2,000 5,000 square feet in  
1073 area within a given building boundary, an energy performance

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1074 analysis that calculates ~~consisting of a projection of the total~~  
1075 annual energy consumption and energy costs ~~in dollars~~ per square  
1076 foot ~~of major energy-consuming equipment and systems based on~~  
1077 ~~actual expenses from the last 3 years and projected forward for~~  
1078 ~~the term of the proposed lease~~ shall be performed. The analysis  
1079 must also compare the energy performance of the proposed lease  
1080 to lease shall only be made where there is a showing that the  
1081 energy costs incurred by the state are minimal compared to  
1082 ~~available~~ like facilities. A lease may not be finalized until  
1083 the energy performance analysis has been approved by the  
1084 department. ~~A lease agreement for any building leased by the~~  
1085 ~~state from a private sector entity shall include provisions for~~  
1086 ~~monthly energy use data to be collected and submitted monthly to~~  
1087 ~~the department by the owner of the building.~~

1088 Section 10. Effective July 1, 2014, subsection (1) of  
1089 section 255.257, Florida Statutes, is amended to read:

1090 255.257 Energy management; buildings occupied by state  
1091 agencies.—

1092 (1) ENERGY CONSUMPTION AND COST DATA.— Each state agency  
1093 shall collect data on energy consumption and cost for all. ~~The~~  
1094 ~~data gathered shall be on~~ state-owned facilities and metered  
1095 state-leased facilities ~~of 5,000 net square feet or more.~~ These  
1096 data will be used in the computation of the effectiveness of the  
1097 state energy management plan and the effectiveness of the energy  
1098 management program of each of the state agencies. Collected data  
1099 shall be reported annually to the department in a format  
1100 prescribed by the department.

1101 Section 11. Section 255.46, Florida Statutes, is created to  
1102 read:

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1103 255.46 Underused Property Maximization Program.—

1104 (1) The Legislature finds that it is in the best interest  
1105 of the state to maximize the use of underused property by  
1106 identifying such property and concluding that such property  
1107 cannot be used by another governmental entity before procuring  
1108 facilities or real property for governmental use or disposing of  
1109 underused property.

1110 (2) The Underused Property Maximization Program is created  
1111 in the Department of Management Services to facilitate the  
1112 efficient and cost-effective use of all facilities and real  
1113 property owned, leased, rented, or occupied by governmental  
1114 entities. The Department shall coordinate with the Department of  
1115 Environmental Protection to use the systems and inventories  
1116 created pursuant to s. 216.0152 and this section in order to  
1117 comply with this section.

1118 (3) As used in this section, the term:

1119 (a) "Facility" means buildings, structures, and building  
1120 systems, and includes ancillary plants, auxiliary facilities,  
1121 educational facilities, and educational plants as defined in s.  
1122 1013.01, and schools as defined in s. 1003.01. The term does not  
1123 include transportation facilities of the state transportation  
1124 system.

1125 (b) "Governmental entity" means a state agency as defined  
1126 in s. 216.011, the judicial branch, the water management  
1127 districts, a state university, a Florida College System  
1128 institution, a county, a county agency, a municipality, a  
1129 municipal agency, a special district as defined in s. 189.043, a  
1130 school district under s. 1001.30, the Florida School for the  
1131 Deaf and the Blind under s. 1000.04(3), the Florida Virtual

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1132 School under s. 1000.04(4), and a charter school under s.  
1133 1002.33.

1134 (c) "Underused property" means any facility owned, leased,  
1135 rented, or otherwise occupied or maintained by a governmental  
1136 entity, which is not being used to its fullest potential as  
1137 currently designed or configured, and includes entire  
1138 facilities, as well as underused square footage within a  
1139 facility.

1140 (4) By July 1, 2014:

1141 (a) Each governmental entity must conduct and complete an  
1142 inventory of all facilities and real property owned or leased by  
1143 the governmental entity.

1144 (b) The department shall create, administer, and maintain a  
1145 database to be used by each governmental entity to provide and  
1146 access information about underused property.

1147 (5) By July 1, 2015, each governmental entity shall input  
1148 into the database, in a format prescribed by the department, the  
1149 following information relating to its underused property: the  
1150 location, occupying entity, ownership, size, condition  
1151 assessment, valuations, operating costs, maintenance record,  
1152 age, parking and employee facilities, building uses, full-time  
1153 equivalent occupancy, known restrictions or historic  
1154 designations, leases or subleases, and associated revenues.  
1155 Information that is confidential or otherwise exempt from public  
1156 disclosure under federal or state law may not be included in the  
1157 database. The entity shall update the required information  
1158 quarterly.

1159 (6) The Department of Management Services and the  
1160 Department of Environmental Protection shall, by October 1 of



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1161 each year, publish a complete report detailing the inventory of  
1162 underused properties of all governmental entities.

1163 (7) When seeking to procure leased or owned facilities, a  
1164 governmental entity must first consult the inventory of  
1165 underused properties created under this section to determine if  
1166 an underused property of another governmental entity will  
1167 satisfy its facility needs.

1168 (a) If the governmental entity seeking space determines  
1169 that underused property can meet its needs, it shall submit a  
1170 business case to the governmental entity that owns or occupies  
1171 the underused property which provides, at a minimum, the  
1172 proposed use of the space, proposed renovation of the space, an  
1173 explanation of how the underused property meets the needs of the  
1174 governmental entity, and any proposed plan for purchasing or  
1175 leasing the underused property.

1176 (b) The department shall provide suggested forms for  
1177 governmental entities to use in preparing a business case for  
1178 obtaining the underused property.

1179 (c) If underused property has been identified and multiple  
1180 governmental entities are interested in obtaining such property,  
1181 preference shall be given to K-20 public educational uses over  
1182 other governmental or nonprofit uses.

1183 (8) Disposition of underused property may be made by sale,  
1184 lease, or similar means as determined by the governmental entity  
1185 that owns or occupies the property.

1186 (a) When evaluating disposition other than sale, the  
1187 evaluation must consider disposing of the property in a manner  
1188 that provides the greatest combination of benefits to the  
1189 general public and avoid uses that are contrary to the public

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1190 interest.

1191 (b) A district school board as defined in s. 1003.01; a  
1192 board of trustees described in ss. 1001.60(3), 1001.71,  
1193 1002.36(4), and 1002.37(2); a governing board of a charter  
1194 school identified under s. 1002.33(7); or the governing body,  
1195 agency head, or other governing figure of each entity that owns  
1196 property must:

1197 1. Hold a public hearing before deciding whether to dispose  
1198 of the property; and

1199 2. Make the final decision regarding whether to dispose of  
1200 the property based on received business plans.

1201 (c) Grounds for refusing to dispose of underused property  
1202 include suitability, zoning or use conflicts, mission conflicts,  
1203 compatibility issues, or a determination that the property is  
1204 not conducive to the proposed use.

1205 (9) The Auditor General shall include findings relating to  
1206 a governmental entity's compliance with this section in any  
1207 audits conducted pursuant to s. 11.45.

1208 (10) The department shall adopt rules to administer this  
1209 section, including the procedures and requirements for  
1210 submitting and updating the information and documentation  
1211 relating to underused property.

1212 Section 12. Subsection (4) of section 255.503, Florida  
1213 Statutes, is amended to read:

1214 255.503 Powers of the Department of Management Services.—  
1215 The Department of Management Services shall have all the  
1216 authority necessary to carry out and effectuate the purposes and  
1217 provisions of this act, including, but not limited to, the  
1218 authority to:

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1219 (4) Operate existing state-owned facilities in the pool,  
1220 including charging fees directly to state employees for the use  
1221 of parking facilities, and to pledge rentals or charges for such  
1222 facilities for the improvement, repair, maintenance, and  
1223 operation of such facilities, or to finance the acquisition of  
1224 facilities pursuant to the provisions of this act.

1225 Section 13. Subsection (7) of section 110.171, Florida  
1226 Statutes, is amended to read:

1227 110.171 State employee telework program.—

1228 (7) Agencies that have a telework program shall establish  
1229 and track performance measures that support telework program  
1230 analysis and report data annually to the department in  
1231 accordance with s. 255.249(9) ~~255.249(3)(d)~~. Such measures must  
1232 include, but need not be limited to, those that quantify  
1233 financial impacts associated with changes in office space  
1234 requirements resulting from the telework program. Agencies  
1235 operating in office space owned or managed by the department  
1236 shall consult the department to ensure consistency with the  
1237 strategic leasing plan required under s. 255.249(7)  
1238 ~~255.249(3)(b)~~.

1239 Section 14. Paragraph (b) of subsection (15) of section  
1240 985.682, Florida Statutes, is amended to read:

1241 985.682 Siting of facilities; study; criteria.—

1242 (15)

1243 (b) Notwithstanding s. 255.25(1)~~(b)~~, the department may  
1244 enter into lease-purchase agreements to provide juvenile justice  
1245 facilities for ~~the~~ housing ~~of~~ committed youths, contingent upon  
1246 available funds. The facilities provided through such agreements  
1247 must ~~shall~~ meet the program plan and specifications of the

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1248 department. The department may enter into such lease agreements  
1249 with private corporations and other governmental entities.  
1250 However, notwithstanding ~~the provisions of~~ s. 255.25(3)(a), a ne  
1251 ~~such~~ lease agreement may not be entered into except upon  
1252 advertisement for the receipt of competitive bids and award to  
1253 the lowest and best bidder except if ~~when~~ contracting with other  
1254 governmental entities.

1255       Section 15. For the 2013-2014 fiscal year, the sums of  
1256 \$950,000 in nonrecurring and \$50,000 in recurring funds are  
1257 appropriated from the General Revenue Fund to the Department of  
1258 Environmental Protection for the purpose of implementing this  
1259 act.

1260       Section 16. Except as otherwise expressly provided in this  
1261 act, this act shall take effect July 1, 2013.